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FOR COURT USE

5
6 Attorneys for Defendant Richard M. Anello

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,) Case No. 13-CR-181-RMW
12 Plaintiff,)
13 v.) STIPULATION TO CONTINUE
14 RICHARD M. ANELLO,) SENTENCING HEARING
15 Defendant.)
16

17 Defendant Richard M. Anello entered a guilty plea before this Court on April
18 22, 2013. The Court scheduled a sentencing hearing for July 29, 2013 which was
19 subsequently continued to November 4, 2013 and subsequently continued to February
20 3, 2014.

21 For the following reasons, the parties now stipulate and request that this court
22 continue the sentencing hearing to April 28, 2014 at 9 a.m. or a date around that time
23 that is convenient for the court.

24 The terms of Mr. Anello's plea agreement require him to cooperate with the
25 United States Attorney's Office and takes into account his cooperation in his final
26 sentence. Specifically, Mr. Anello is cooperating in the case of United States v.
27 Brenda Kibbee, 12-00701-DLJ, which is currently pending in this district. Ms. Kibbie
28 recently entered a change of plea to count 1 of failing to pay an excise tax on wine.

1 Her sentencing is scheduled for April 17, 2014. The parties hereby jointly request that
2 the sentencing hearing for Mr. Anello be continued from February 3, 2014 to a date
3 proximate in time to Ms. Kibbee's sentencing hearing, or April 28, 2014.

4 In addition, the parties believe that the U.S. Probation Officer assigned to this
5 case, Insa Bel Ochi, requires additional time to complete the Presentence Investigation
6 Report (PSR).

7 A proposed order is attached.

8
9 SO STIPULATED:

10 VAUGHT & BOUTRIS LLP

11
12 Dated: January 22, 2014

13 /s/ Basil J. Boutris
14 BASIL BOUTRIS
15 Attorney for Richard M. Anello

16 MELINDA HAAG
17 United States Attorney

18 Dated: January 23, 2014

19 /s/ Matthew J. Kluge
20 MATTHEW J. KLUGE
21 Trial Attorney
22 Attorneys for the United States

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26 y/crim tax lit/Anello/stip to continue sentencing hearing
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,)

Case No. 13-CR-181-RMW

12 Plaintiff,)

ORDER TO CONTINUE
SENTENCING HEARING

13 v.)

14 RICHARD M. ANELLO,)

15 Defendant.)
16

17 **ORDER**

18 Pursuant to the parties' stipulation, and for good cause shown therein, the Court
19 finds that a continuance of the sentencing hearing in this matter is warranted.

20 IT IS ORDERED that the sentencing hearing, currently scheduled for February
21 3, 2014, is continued to April 28, 2014 at 9 a.m.

22
23 Dated: FEB 27


Hon. Ronald M. Whyte
United States District Court Judge

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28 y/crim tax lit/anello/order to continue sentencing hearing